

MISC. CIVIL APPLICATION NO. 783 OF 1991
with
Misc. Civil Application Nos.1995, 1996 & 1997 of 1994.

Date of decision: 18.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

MCA No.783 of 1991.

Mr. H.M. Mehta, advocate for petitioners.
Mr. B.N. Raval, advocate for respondents.

MCA Nos.1995 to 1997/1994.

Mr. Ketan A. Dave, advocate for petitioners.
Mr. B.N. Raval, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

December 18, 1995.

Oral common judgment (Per Soni, J.)

Learned advocates for the parties are absent.

As common question of law is involved in all these petitions, they are disposed of by this common judgment.

In all these matters, for non-compliance of the order passed by the Primary Education Tribunal in respect of the applications filed, it is prayed to take necessary action against the respective respondents, under the Contempt of Courts Act. By the order of the Tribunal, it is directed that the petitioners of the respective petition be paid difference of salary due as a result of the Government resolution dated 25.9.1987, which is effective from 1.4.1987. Thus, claim of the petitioners is of arrears of salary arising due to the Government Resolution.

We have taken view in MCA No.1949/94 that order passed by the Primary Education Tribunal is executable inasmuch as Civil Procedure Code is applicable vide Order 14 of the Primary Education Tribunal Procedure Order, 1987. When the order is executable and as contempt proceeding is not a substitute for execution as held by the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH, 550, we would not like to exercise our jurisdiction under the Contempt of Courts Act. Hence, all these petitions deserve to be dropped.

In the result, all these petitions are dismissed. Rule in each petition is discharged with no order as to costs.